

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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**Mar 25 2026**

**SC Court of Appeals**

APPEAL FROM LEXINGTON COUNTY  
In The Court of Common Pleas

Frank R. Addy, Jr., Circuit Court Judge

Case No. 2024-CP-32-02187  
Appellate Case No. 2026-000711

Robert William Addy,

Appellant,

v.

Taylor Nicole Pickett and  
Albert Eugene Baker,

Respondents.

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**APPELLANT'S RETURN TO  
RESPONDENTS' MOTION TO DISMISS**

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Appellant, Robert William Addy ("Addy"), by way of return to the Respondents' motion to dismiss, responds as follows:

**FACTUAL BACKGROUND<sup>1</sup>**

Addy, and the Respondent, Taylor Nicole Baker ("Taylor"), were in a committed romantic relationship and cohabitating in Asheville, North Carolina, prior to moving to South Carolina. During their time in Asheville, the couple attempted to purchase a home together. Because Addy is self-employed and did not have the requisite credit history or tax documentation to qualify for a traditional mortgage at that time, they relied upon Taylor's father, Respondent Albert Eugene Baker, Jr. ("Albert"), as a co-signer to secure financing. Their attempt to purchase a home in

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<sup>1</sup> Some of these facts are disputed but are not necessary to decide the motion to dismiss and are only presented to the court for a better understanding of the context of the case and this motion.

Asheville was not successful and the couple moved to West Columbia where Addy located the property at 114 Pinecrest Avenue, West Columbia, South Carolina (the “Property” or the “Home”). The Property was owned by his childhood friend of thirty-three years, Joseph Hannan (“Hannan”). Because of this long-standing friendship, Hannan gave Addy and Taylor a “first right of refusal” to purchase the home, and it was Hannan’s understanding that Addy and Taylor were purchasing the Property together as “joint owners/co-habitants”.

Addy contends he and Taylor intended to purchase the home as “50/50” owners. Addy asserts the arrangement was that Addy would provide the cash required to close, and Taylor would provide the credit eligibility (with Albert’s assistance). Addy further contends he provided all the funds necessary to close the transaction including the earnest money deposit, down-payment and closing costs. While Respondents point to the “Gift Letter” Addy admittedly signed at closing as evidence that Addy intended the down payment to be a gift. Addy argues that the “Gift Letter” was a requirement imposed by the lender to process the loan because he could not be listed on the mortgage and did not reflect the intent of the parties. The closing occurred on September 16, 2021. Addy attended the closing with the Respondents. Addy contends that at the closing table, he and Taylor specifically asked the closing attorney if Addy’s name could be added to the title. However, Respondents deny this contention. Consequently, the deed was recorded in the names of Taylor Nicole Baker and Albert Eugene Baker, Jr., as joint tenants with rights of survivorship. Addy made improvements to the property. Unfortunately, the parties’ relationship ended in late 2022. The Property has appreciated in value. Taylor subsequently filed an Application for Ejectment against Addy in the Lexington County Magistrate Court (Case No. 2024CV321090761) and now takes the position that Addy has no interest in the home. On June 20, 2024, Judge Matthew A. Johnson

dismissed the eviction action pursuant to S.C. Code § 22-3-20, finding that the title to real property was in dispute. This action followed.

### **PROCEDURAL BACKGROUND RELEVANT TO THE MOTION**

Addy filed a Summons and Complaint on May 21, 2024, asserting claims for Resulting Trust, Constructive Trust, Declaratory Judgment, Betterment, and Unjust Enrichment. Defendants filed Answers and Counterclaims seeking, *inter alia*, eviction of the Plaintiff. Defendants filed Motions for Summary Judgment on July 22, 2025. Addy filed his brief in opposition of the motion with exhibits on January 23, 2026. The motions for summary judgment were heard before the court on January 26, 2026, via Webex. On February 3, 2026, the court granted partial summary judgment in favor of the Respondents on Addy’s cause of action for constructive trust but denied summary judgment on all the other causes of action. On March 16, 2026, Addy filed an appeal from the court’s February 3 order granting summary judgment on Addy’s cause of action for constructive trust, and shortly thereafter on March 18, 2026, the Respondents filed a motion to dismiss asserting the partial summary judgment order was interlocutory and could not be appealed.

### **ARGUMENT**

This Court should deny Respondents’ motion to dismiss because the February 3 order granting partial summary judgment is immediately appealable. Although Respondents correctly note that appealability depends on whether the order falls within the categories set forth in § 14-3-330, they incorrectly conclude that it does not. In fact, the very case law Respondents cite confirms the opposite: the February 3 order falls squarely within both § 14-3-330(1) (“involving the merits”) and § 14-3-330(2)(c) (“affecting a substantial right”) and is therefore subject to immediate appeal.

“Generally, orders granting partial summary may be appealable under either the “involving

the merits” or “substantial right” categories of § 14-3-330(1) and (2)(c).” *Thornton v. South Carolina Elec. & Gas Corp.*, 391 S.C. 297, 206, 705 S.E.2d 475, 480 (Ct. App. 2011). “[A]n order ‘involves the merits,’ as that term is used in Section 14-3-330(1) and is immediately appealable when it finally determines some substantial matter forming the whole or part of some cause of action or defense.” *Ex parte Capital U-Drive-It, Inc.*, 369 S.C. 1, 7, 630 S.E.2d 464, 467 (2006). “An order ‘affects a substantial right’ by striking a pleading if the order removes a material issue from the case, thereby preventing the issue from being litigated on the merits, and preventing the party from seeking to correct any errors in the order during or after trial.” *Thornton*, 391 S.C. at 304, 705 S.E.2d at 479.

In *Thornton*, the court found that “the order granting summary judgment that no private cause of action exists under the Mining Act does not meet the criteria for either, and is therefore not immediately appealable.” However, key to this finding is that “The Thorntons asserted causes of action for negligence, strict liability, and nuisance. They did not plead a cause of action under the Mining Act.” *Thornton v. South Carolina Elec. & Gas Corp.*, 391 S.C. 297, 306, 705 S.E.2d 475, 480 (Ct. App. 2011) The court further observed, “This appeal thus presents the unique situation in which the trial court granted a motion for summary judgment as to a cause of action the Thorntons never pled.” *Id.* The court states, An order “involves the merits” when it finally determines a substantial matter forming the whole or a part of some cause of action or defense. *Mid-State Distribs., Inc. v. Century Imps., Inc.*, 310 S.C. 330, 334, 426 S.E.2d 777,780 (1993).

Here, the court’s February 3 order determined Addy’s cause of action for constructive trust by granting summary judgment to the Respondents. Therefore, the order “involves the merits” and “affects a substantial right”. In *Thornton*, the court states, “Further, because the Thorntons never

asserted a cause of action under the Act, the order does not have the effect of removing any material issues from the case and therefore does not affect a substantial right by striking a pleading.” *Thornton* at 705 S.E.2d 475 at 480. The exact opposite is true in this case.

The South Carolina Supreme Court has made clear that partial summary judgment orders as to single causes of action are immediately appealable under § 14-3-330. In *Link v. School District of Pickens County*, the South Carolina Supreme Court held that such orders are appealable under both § 14-3-330(1) and (2)(c). *Link v. School Dist. of Pickens Cnty.*, 302 S.C. 1, 3, 393 S.E.2d 176, 177 (1990). There, the plaintiff asserted four claims, and the trial court granted summary judgment in favor of the defendant on the plaintiff’s breach of contract claim. *Id.* *Emphasis added*. The plaintiff did not immediately appeal, instead proceeded to trial and ultimately lost on all remaining claims before appealing the earlier summary judgment ruling. *Id.* *Id.* Among other findings, the Court held that the summary judgment in favor of the Defendant on the Plaintiff’s breach of contract claims was immediately appealable. The Court held in response that “the order granting summary judgment was both immediately appealable under § 14-3-330(2)(c) because it had the effect of striking a pleading [and] the order is also appealable under § 14-3-330(1) as “involving the merits.” *Id.* at 6, 393 S.E.2d at 179.

Therefore, the court’s February 3 order granting Respondents partial summary judgment on the cause of action for constructive trust is immediately appealable, and the court should deny the Respondents’ motion to dismiss.

**TOBIAS G. WARD, JR., PA**

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March 24, 2026

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**APPELLANT'S PROOF OF SERVICE**

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Appellant's counsel hereby certifies that he has served counsel for the Respondent, T. Jeff Goodyn, Jr. with a copy of the Return to Motion to Dismiss, by emailing a copy of the same on March 25, 2026, to the AIS address as follows:

T. Jeff Goodyn, Jr.  
[jgoodwyn@goodwynlaw.com](mailto:jgoodwyn@goodwynlaw.com)

s/ J. Derrick Jackson  
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